THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 19223 OF 2006

DATED: 18.09.2006

Between:

Tiyyali Sankaraiah, S/o late rama Sarma
R/o T.S.119/1, Kuruppam Market,
Visakhapatnam and others.

...

PETITIONER

And:

The State of Andhra Pradesh,
represented by the Secretary,
Municipal Administration,
Secretariat, Hyderabad and another.

...**RESPONDENTS**

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ORAL ORDER:

The writ petition is misconceived. The land of the petitioners in T.S.No. 119/1, Godavari Ward, Visakhapatnam, was acquired by Visakhapatnam Municipality and an Award No.19/67 dated 30.10.1967 was passed. Petitioners received the compensation. The purpose for which the acquisition was made did not fructify and the land was not used and some time thereafter the acquired land was transferred to the Endowments Department as the extension of Kurupam market (the purpose for the acquisition) was eschewed.

The father of the petitioners submitted a representation to the second respondent seeking reconveyance of the land, along with others similarly circumstanced. Petitioners state that vide resolution No.623 dated 17.01.1970 a decision was taken by the Municipality to reconvey the land in favour of the petitioners' father. In a subsequent resolution dated 30.07.1975, the earlier resolution of 1970 was withdrawn.

When the Endowments Department, to whom the land was transferred, proposed to lease out the acquired premises by a public auction, the petitioners filed W.P.No.12070 of 1990 seeking reconveyance. The writ petition was, however, disposed of by judgment dated 11.08.1999 declaring that the petitioners have no

right to reconveyance and that they may, however, make a representation to the authorities who if they consider it appropriate may pass appropriate orders on the representation. Petitioners claim to have deposited certain amounts towards the value of the land for reconveyance, pursuant to the interim orders in W.P.No.12070 of 1990. After the judgment they submitted representations to the respondents on 06.01.2000 and 07.05.2002 seeking reconveyance. As no orders are passed, this writ petition is filed.

It is settled on principle, text and authority that though private property acquired (under the provisions of the Land Acquisition Act, 1894) is not employed for the purpose for which the acquisition is made, the divestiture of title in the private person and vestiture of such title in the State is concluded and the State may employ the acquired land for any other public purpose. It is also the settled principle that no right to reconveyance inheres in the person from whom the land is acquired in the aforesaid circumstances.

The issue as to whether similarly circumstanced persons were granted the benefit of reconveyance while excluding the petitioners and therefore the respondents have violated the equality injunctions of Article 14 of the Constitution has not been urged by the petitioners in their earlier writ petition No.12070 of 1990 while seeking reconveyance.

In the aforesaid circumstances, the petitioners are not entitled to reconveyance and the relief sought herein cannot be granted. No mandamus can either be issued to the respondents to dispose of the petitioners' representations as these are not

statutory applications by way of appeals or revisions.

The writ is, on the above analysis, bereft of merits and is accordingly dismissed at the stage of admission. If the petitioners have deposited any amount with the respondents seeking reconveyance of the land, the petitioners are at liberty to petition the appropriate authorities for refund of the amount, which shall be considered in accordance with law.

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18.09.2006

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